

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FREDERICK EDWARD WALKER,

Plaintiff,

v.

CITY OF RENTON, et al.,

Defendants.

CASE NO. C11-2114 RAJ

ORDER TO SHOW CAUSE

The court has received defendants' motion for relief from the court's deadline for joint statement of jury instructions. Dkt. # 66. The court recognizes that the motion is noted for August 2, 2013. However, given that jury instructions are due Monday, July 29, 2013, and trial is set to begin August 5, 2013, the court finds it appropriate to address the motion in this order. The court begins by recognizing that it has not heard from plaintiff. However, defendants have represented that plaintiff did not submit proposed jury instructions to them, and that plaintiff has not responded to defendants' requests for proposed instructions.

This District's local rules require the parties to exchange proposed jury instructions and verdict forms twenty-one days before jury instructions are due. Local Rules W. D. Wash. CR ("LCR") 51(e). "Plaintiff is responsible for submitting proposed

1 standard civil instructions and proposed instructions on any issue on which plaintiff bears
2 the burden of proof. Defendant is responsible for submitting proposed instructions on
3 any issue on which defendant bears the burden of proof. The parties shall confer with the
4 objective of filing with the court one set of agreed-upon instructions, verdict forms, and
5 interrogatories which addresses all elements of all claims and defenses in the case.” *Id.*
6 The LCR also provide instructions for submitting disputed instructions. LCR 51(f).

7 LCR 11 provides:

8 Failure of an attorney for any party to appear at a pretrial conference or **to**
9 **complete the necessary preparations therefor**, or to appear to be
10 prepared for trial on the date assigned, **may be considered an**
11 **abandonment or failure to prosecute or defend diligently, and**
12 **judgment may be entered against that party either with respect to a**
13 **specific issue or the entire case.**

14 **An attorney or party who without just cause fails to comply with any of**
15 **the Federal Rules of Civil or Criminal Procedure, these rules, or an**
16 **order of the court**, or . . . who fails to prepare for presentation to the court,
17 or who otherwise so multiplies or obstructs the proceedings in a case may,
18 in addition to or in lieu of the sanctions and penalties provided elsewhere in
19 these rules, be required by the court to satisfy personally such excess costs
20 **and may be subject to such other sanctions as the court may deem**
21 **appropriate.**

22 LCR 11(c) (emphasis added).

23 The court ORDERS plaintiff to submit his proposed jury instructions to
24 defendants, and to comply with LCR 51 to submit joint proposed jury instructions to the
25 court by the deadline imposed in this order. Plaintiff SHALL submit his proposed jury
26 instructions to defendants no later than July 29, 2013 at 8:00 a.m. by e-mail. Plaintiff
27 SHALL also indicate in that submission to defendants which jury instructions differ from
the set proposed by defendants. The parties shall then meet and confer no later than July
30, 2013 at 1:00 p.m. The proposed joint instructions, along with any disputed
instructions, shall be filed no later than July 31, 2013 at 1:00 p.m. pursuant to LCR 51(e).

1 If plaintiff does not submit proposed jury instructions to defendants by 8:00 a.m.
2 July 29, 2013, defendants SHALL file their own proposed jury instructions by close of
3 business on July 29, 2013, with a declaration from counsel explaining that he has not
4 received proposed instructions from plaintiff's counsel.

5 Plaintiff and his counsel, John Muenster, are ORDERED to SHOW CAUSE why
6 plaintiff and/or his counsel John Muenster should not be SANCTIONED for failure to
7 comply with this District's Local Rules. Plaintiff and Mr. Muenster shall respond to this
8 Order to Show Cause no later than July 29, 2013 at 10:00 a.m. Failure to respond to this
9 order may result in monetary sanctions being imposed on plaintiff, John Muenster, or
10 both and/or dismissal of this case. Mr. Muenster is also ORDERED to provide a copy of
11 this order to his client, and to submit proof that his client has received a copy of this order
12 with his response to this order.

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14 Dated this 26th day of July, 2013.

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18 The Honorable Richard A. Jones
19 United States District Judge
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